

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SHONDA G. MOSLEY (mother))	
for J. MOSLEY (child),)	
)	
Plaintiff)	
)	
vs.)	No. CIV-04-1501-C
)	
JO ANNE B. BARNHART,)	
Commissioner, Social Security)	
Administration,)	
)	
Defendant)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for judicial review of the Commissioner's denial of disability insurance benefits was referred for initial proceedings to United States Magistrate Judge Bana Roberts consistent with 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered her Report and Recommendation on August 31, 2005, recommending that the decision of the Commissioner be affirmed. Plaintiff has timely filed an objection, and the Court therefore considers the matter de novo.

In her thorough and well-reasoned Report and Recommendation, Judge Roberts sets out the relevant facts and prevailing law, and no purpose would be served to repeat those here. In objection, plaintiff raises no dispute of fact or law, but appears to allege for the first time that her daughter suffers from Hepatitis C virus. This is an issue not raised in the preceding briefs and there is no evidence in the administrative record supporting this

allegation. Moreover, there is no argument that this condition would have any affect on the findings of the Administrative Law Judge (ALJ). Considering the record, the Court is in agreement that the decision of the ALJ is supported by substantial evidence and must be affirmed.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons stated therein, the decision of the Commissioner in this case is affirmed. A judgment will enter accordingly.

IT IS SO ORDERED this 21st day of September, 2005.



ROBIN J. CAUTHRON
United States District Judge